



MAY 01 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202

In re Application of HILGEMANN et al

U.S. Application No.: 10/049,178

Int. Application No.: PCT/US98/25610

Int. Filing Date: 03 December 1998

Priority Date: none

Attorney Docket No.: 120671.90018

For: APPARATUS AND METHOD FOR THE  
MANUFACTURE OF REDUCED AND LOW  
FAT PASTA FILATA CHEESE

DECISION

This is in response to applicant's "Petition for Award of Patent Application Serial Number" filed 08 February 2002.

### **BACKGROUND**

On 03 December 1998, applicant filed international application PCT/US98/25610. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 June 2001.

On 08 February 2002, applicant filed the present petition along with copies of national stage papers purportedly filed in the United States Designated/Elected Office (DO/EO/US) on 30 May 2001. The petition states that it is accompanied by a copy of a return postcard receipt and requests that the national stage papers be accorded an original filing date of 30 May 2001.

### **DISCUSSION**

The evidence of record is sufficient to establish that the following papers were originally filed on 30 May 2001: 1) Transmittal Letter (Form PTO-1390), 2) Information Disclosure Statement with copies of the references and the International Search Report and 3) Declaration (unexecuted). Specifically, the copy of the return postcard receipt, which includes the above-

identified papers in its itemized contents and which bears a USPTO date stamp of 30 May 2001, serves as *prima facie* evidence that the papers were received by the USPTO on 30 May 2001.

**CONCLUSION**

For the reasons above, the petition is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including: 1) according the national stage papers an original receipt date of 30 May 2001 and 2) preparing and mailing a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459